

REMARKS

Claim Rejections – 35 USC § 102

Claims 1-5, 7-9, 11-15, 17-19, 21-27, 29-33, 35-38, 40-42 and 44-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Sprogis (US 2004/00478268US A1).

Claims 1-5, 7-9, 11-15, 17-19, 21-27, 29-33, 35-38, 40-42 and 44-47 are rejected under 35 U.S.C. 102(a) as being anticipated by Novation, Novad Leisure-Edition for Digital Cinema Advertising.

Claim Rejections – 35 USC § 103

Claims 6, 10, 16, 20, 28, 34, 39 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novation, Novad Leisure-Edition for Digital Cinema Advertising.

Claims 12-46 have been withdrawn. Claim 47 is amended.

Reconsideration and allowance of the claims as amended is requested for the following reasons.

The present invention is directed to a method for scheduling motion picture and promotional content to an audience at an exhibitor site, the method including assembling an electronic play list for the motion picture and for related promotional content. The play list identifies at least one time slot for presentation of promotional content. An electronic notice is posted that solicits a bid from an advertisement provider for purchase of at least one time slot. In response to a received bid, an advertisement from the advertisement provider is associated with at least one time slot in the play list; and the advertisement is acquired electronically from said advertisement provider.

Independent Claim 47 has been amended to include the feature of auctioneering bids provided by advertising providers. Support for the amended claim can be found in the specification on page 10, line 30 through page 11, line 16; and figures 5 & 6.

The cited art of Sprogis discloses a video data scheduling system that includes a schedule unit “for accessing a subset of the content data in the computer storage unit responsive to the context data and the show schedule information.” See, Abstract. Paragraph [0114] of Sprogis describes the schedule request 258 shown in figures 11 and 12 as merely detailing the delivery of jobs content. The Examiner rejects independent claim 1 and claim 47 on the basis of a continuously running posting in the Sprogis reference, paragraph [0122]. This disclosure of "continuously running process" is a scheduling operation only. There is no teaching or disclosure of soliciting a bid from an advertisement provider for purchase of said at least one time slot, as claimed by the Applicants. It appears that the exhibitor, in the Sprogis reference, has already arranged for showing with the content provider, and the daemon referenced merely handles the scheduling.

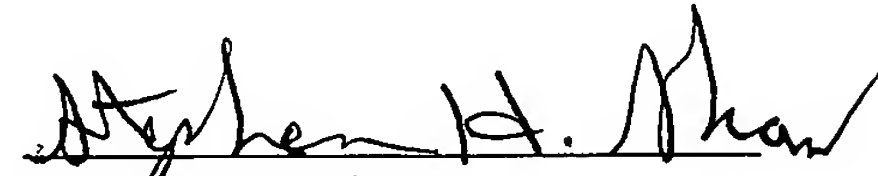
In regard to the website cited by the Examiner: Novation, Novad Leisure-Edition for Digital Cinema Advertising, there is also no disclosure of soliciting a bid from an advertisement provider for purchase of said at least one time slot. Moreover, the insertion of additional time slots cannot be performed by software alone. There must be an assessment of the customer line forming for the cinema showing that is causing a delay. Software, alone, cannot do this without input from a manager. The claim is novel because one of Applicant's features is missing in the cited art. The claims that depend from claim 1 are patentable for at least the same reasoning given above.

Applicant(s) therefore respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. §102(b). The rejected claims per 35 U.S.C. § 103(a) have been withdrawn.

Applicants have reviewed the cited art made of record and believe that they do not render Applicants' claimed invention unpatentable. It is believed that the claims in the application are allowable over the cited art and such allowance is respectfully requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen H. Shaw", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.